Docket No. MCP-5021

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : David W. Wynn et al.

Serial No.: 10/697,840

Art Unit:

Filed

: October 30, 2003

Examiner:

For

: CONTROLLED RELEASE ANALGESIC SUSPENSIONS

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(Date of Deposit)

Michele G. Mangini
(Name of applicant, assignee, or Registered Representative)

(Signature)

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Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

In accordance with §1.97(b), since this Information \boxtimes Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required. In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with [] the first or ☐second After Final Submission, therefore: Statement in Accordance with §1.97(e) П (attached); or Please charge Deposit Account No. 10the fee of \$180.00 as set forth / in §1.17(p). In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of: Statement in Accordance with §1.97(e) (attached); or

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Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.
Copies of references listed on the attached Form PTC are enclosed herewith EXCEPT THAT:
In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.
☐ Copies of only foreign patent documents and non-
patent literature are enclosed in accordance with 37 CFR 1.98
(a)(2). (The U.S. patents and each U.S. patent application
publication listed on the attached Form PTO-1449 are not
enclosed because this U.S. patent application was filed after

June 30, 2003 or this international application has entered the

national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i).

 \square There are no listed references which are not in the English language.

The relevance of those listed references which are not in the English language is as follows:

Attached are copies of search report(s) from related PCT Patent Application No. PCT/US03/08846 (Atty. Docket MCP-325 PCT), which is listed on the attached Submission Under MPEP 609D.

Attached are the non-published pending patent Application Nos. 10/697,546 (Atty. Docket MCP-5015) and 10/393,755 (Atty. Docket MCP-325), which may be deemed relevant and are listed on the attached Submission Under MPEP 609D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/MCP5021/MGM. This form is submitted in triplicate.

Respectfully submitted,

Michele 9. Mangini

Reg. No / 36\ 806

Attorney for Applicants

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(732) 524-2810
DATED: 9 FW 2004



DER MPEP 609 D

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Application Number	10/697,840	•
Filing Date	October 30, 2003	
First Named Inventor	Wynn et al.	_
Group Art Unit		
Examiner Name		
Attorney Docket Number	MCP-5021	

			U.S. Patent Docum	ent	
Examiner Initials	Cite No. ¹	Name of Patentee or Applicant of Cited Document	Kind Code ² Number (if known)		Pages, Columns, Lines, where relevant passages or relevant figures appear
		McNEIL-PPC, Inc.	10/697,546 (Atty. D	Oocket MCP-5015)	
		McNEIL-PPC, Inc.	10/393,755 (Atty. D	Oocket MCP-325)	·
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Examiner Initials	Cite	Name of Patentee or Applicant of Cited Document	Foreign Pa	atent Docum	ent KindCode ⁵	Pages, Columns, Lines, where relevant passages or relevant figures appear	Т8
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	<u> </u>	OTHER PRIOR ART - N					<u> </u>
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		PCT Search Report dated October 6, 2	003 for PCT	US03/08846	(Atty. Docket	MCP-325)	
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Sheet 1 of 3

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Application Number	10/697,840
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		U.S. Patent Docu	ment			
Examiner Initials	Cite . No. ¹	Number	Kind Code ² (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
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		4,788,220		Mody et al	11-29-1988	
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Examiner Initials	niner Cite Applicant of Cited Document mm-c	mm-dd-yyyy	passages or relevant figures appear	T ⁶				
		wo	96/01628	A1	Recordatai S.A. Chemical and Pharmaceutical Company	1-25-1996		
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		<u> </u>					·	-

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Application Number	10/697,840
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				U.S. PATENT DOCUMENTS		
		U.S. Patent Docu	ment		Date of Publication	Donne Cohumne Lines
Examiner Initials	Cite No. ¹	Number	Kind Code ² (if known)	Name of Patentee or Applicant of Cited Document	of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
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Sheet 3 of 3

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Attorney Docket Number	MCP-5021			

		Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item	_
Examiner's nitials*	Cite No. ¹	(book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T
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